

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ESCORT INC.,

Plaintiff,

v.

UNIDEN AMERICA CORPORATION,

Defendant.

CASE NO 3:18-cv-161-N

PATENT CASE

JURY TRIAL DEMANDED

**UNIDEN AMERICA CORPORATION'S
MOTION FOR SUMMARY JUDGMENT**

For the reasons set forth in Uniden's Brief Supporting Its Motion for Summary Judgment and accompanying Appendix, Uniden respectfully moves for:

- (1) Summary judgment that Escort cannot establish that it is the exclusive owner of U.S. Patent Nos. RE39,038 and RE40,653 (the "Asserted Patents") and thus lacks standing in this action;
- (2) Partial summary judgment that Escort is not entitled to pre-suit damages for the LRD950, R3, and DFR7 products under 35 U.S.C. § 287 because Escort failed to properly mark any of its relevant products or materials, or otherwise give notice that the LRD950, R3, and DFR7 products allegedly infringe the Asserted Patents prior to the time Escort filed its Complaint;
- (3) Partial summary judgment that Escort is not entitled to any damages for the R7 product under 35 U.S.C. § 287 because Escort failed to properly mark any of its relevant products or materials, or otherwise give notice that the R7 product allegedly infringes the Asserted Patents prior to the expiration of the Asserted Patents; and
- (4) Partial summary judgment that Escort is not entitled to enhanced damages because Escort has not met its burden to show that Uniden's conduct was willful.

Uniden respectfully requests that the Court grant its Motion for Summary Judgment. Each of the matters required by Local Rule 56.3 will be set forth in Uniden's Brief Supporting its Motion for Summary Judgment.

Dated: April 23, 2020

Respectfully submitted,

By: /s/ David B. Conrad

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**ATTORNEYS FOR DEFENDANT
UNIDEN AMERICA CORPORATION**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on April 23, 2020, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

/s/ David B. Conrad
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